

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

RICHARD J. HILL,

Plaintiff,

v

JUSTIN WONCH,

Defendant.

U.S. District Judge:
Hon. Hala Y. Jarbou

U.S. Magistrate Judge:
Maarten Vermaat

Case No: 2:19-cv-159

Phillip B. Toutant (P72992)
Karl P. Numinen (P46074)
NUMINEN DEFORGE & TOUTANT, P.C.
Attorneys for Plaintiff
105 Meeske Avenue
Marquette, MI 49855
(906) 226-2580

M. Sean Fosmire (P31737)
Thomas R. Shimmel (P41280)
KITCH DRUTCHAS WAGNER
VALITUTTI & SHERBROOK
Attorneys for Defendants
1440 W. Ridge Street, Ste. C
Marquette, MI 49855-3199
(906) 228-0001

DEFENDANT'S OBJECTION TO FINAL PRETRIAL ORDER

Defendant Justin Wonch through his attorneys, Kitch Drutchas Wagner Valitutti & Sherbrook, objects to the Final Pretrial Order (ECF 117, PageID.825) at p. 4 (PageID.828) in one respect.

The Defendant included the following objection at the noted place in his draft of the proposed Joint Final Pretrial Order. As the court and the attorneys were informally discussing what should go into the final Joint Pretrial Order, the court administrator asked whether a block of objections at page 4 could be removed. Defendant concurred as to most but noted that this one had not been addressed by the parties and the Court at the July 5 conference, with the intention that it be preserved. See screenshot, below. It was removed from the final PTO, without our agreement. Defendant needs to preserve the objection.

“As to plaintiff’s item 6, defendant will object to any items for which it has not been established that the charges were reasonable and necessary. See *Herter v Detroit*, 245 Mich 425; 222 NW 774 (1929).”

Defendant’s Objections:

1. Defendant will object to any effort to introduce hearsay documentation from Wally Helmila.
2. As to plaintiff’s item 6, defendant will object to any items for which it has not been established that the charges were reasonable and necessary. See *Herter v Detroit*, 245 Mich 425; 222 NW 774 (1929).
3. Defendant reserves any objection to demonstrative items that have not been disclosed in advance.

I have no objection to deleting plaintiff’s objections. I will withdraw number 3.
I will withdraw number 1 given the ruling noted on p. 1. We did not talk about number 2 today.

Respectfully submitted,

KITCH DRUTCHAS WAGNER
VALITUTTI & SHERBROOK

Dated: July 7, 2022

By: /s/ M. Sean Fosmire
M. Sean Fosmire